

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

Jury Trial Demanded

**NOTICE TO ALLOW DEFENDANTS GOOGLE AND AOL TO SEAL THE
DECLARATION OF CLAYTON BAVOR, JR. AND SUPPORTING EXHIBITS; THE
DECLARATION OF ROHIT RAO AND SUPPORTING EXHIBITS; CERTAIN
EXHIBITS TO THE DECLARATION OF EMILY C. O'BRIEN; AND PORTIONS OF
DEFENDANTS GOOGLE AND AOL'S MEMORANDUM IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF
U.S. PATENT NO. 7,225,151**

PLEASE TAKE NOTICE that Defendants Google Inc. and AOL LLC (collectively, “Defendants”), by counsel, in the referenced matter have petitioned the Court to grant leave to file certain declarations, including the Declaration of Clayton Bavor, Jr. and the Declaration of Rohit Rao (collectively, “Confidential Declarations”); certain exhibits, including the supporting exhibits to the Declaration of Clayton Bavor, Jr., the supporting exhibits to the Declaration of Rohit Rao, and Exhibits 4 and 5 to the Declaration of Emily C. O’Brien (collectively, “Confidential Exhibits”); and portions of Defendants Google and AOL’s Memorandum in Support of Their Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151 (“Portions of the Brief in Support”) under seal. The Confidential Declarations, Confidential Exhibits and Portions of the Brief in Support contain information and testimony containing sensitive and valuable proprietary information relating, among other things, to the technical details of how certain Google, AOL and MIVA systems operate, certain information

marked by Plaintiff as “Confidential Attorneys’ Eyes Only” (Prosecution Bar) or “Confidential Attorneys’ Eyes Only” under the Protective Order, and certain expert contentions in this matter. This information is “Confidential Attorneys’ Eyes Only” (Prosecution Bar) or “Confidential Attorneys’ Eyes Only” under the Protective Order entered in this matter. Failing to file the Confidential Declarations, Confidential Exhibits and Portions of the Brief in Support under seal may risk the disclosure of confidential, trade secret information, would violate the Protective Order and potentially would cause competitive harm.

In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, the Court posts the following notice to the public: “This serves as public notice that the Defendants Google Inc. and AOL LLC have moved the Court to seal the Declaration of Clayton Bavor, Jr. and supporting exhibits; the Declaration of Rohit Rao and supporting exhibits; Exhibits 4 and 5 to the Declaration of Emily C. O’Brien; and portions of Defendants Google and AOL’s Memorandum in Support of Their Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151. Objections to this Motion should be filed in the Civil Section of the Clerk’s Office. The Notice will be posted for a minimum of forty-eight (48) hours.”

Dated: July 24, 2008

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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I also certify that on July 24, 2008, I will effect hand-delivery of the foregoing in accordance with Federal Rule of Civil Procedure 5(b)(2)(A) to the following:

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